

SENATE BILL 1654

By Haile

AN ACT to amend Chapter 306 of the Private Acts of 1951; as amended by Chapter 451 of the Private Acts of 1953; Chapter 121 of the Private Acts of 1955; Chapter 248 of the Private Acts of 1957; Chapter 249 of the Private Acts of 1957; Chapter 26 of the Private Acts of 1963; Chapter 188 of the Private Acts of 1969; Chapter 141 of the Private Acts of 1977; Chapter 182 of the Private Acts of 1980; Chapter 140 of the Private Acts of 1986; Chapter 155 of the Private Acts of 1988; Chapter 158 of the Private Acts of 1994; Chapter 117 of the Private Acts of 1998; Chapter 126 of the Private Acts of 1998; Chapter 11 of the Private Acts of 2003; Chapter 75 of the Private Acts of 2008; Chapter 61 of the Private Acts of 2010; Chapter 65 of the Private Acts of 2012; Chapter 80 of the Private Acts of 2014 and Chapter 8 of the Private Acts of 2015; and any other acts amendatory thereto, relative to the charter for the City of Westmoreland.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 306 of the Private Acts of 1951, as amended by Chapter 451 of the Private Acts of 1953, Chapter 121 of the Private Acts of 1955, Chapter 248 of the Private Acts of 1957, Chapter 249 of the Private Acts of 1957, Chapter 26 of the Private Acts of 1963, Chapter 188 of the Private Acts of 1969, Chapter 141 of the Private Acts of 1977, Chapter 182 of the Private Acts of 1980, Chapter 140 of the Private Acts of 1986, Chapter 155 of the Private Acts of 1988, Chapter 158 of the Private Acts of 1994, Chapter 117 of the Private Acts of 1998, Chapter 126 of the Private Acts of 1998, Chapter 11 of the Private Acts of 2003, Chapter 75 of the Private Acts of 2008, Chapter 61 of the Private Acts of 2010, Chapter 65 of the Private Acts of 2012, Chapter 80 of the Private Acts of 2014, Chapter 8 of the Private Acts of 2015, and any other acts amendatory thereto, that being the charter for the City of Westmoreland, is amended by deleting the charter in its entirety and substituting instead the following:

ARTICLE I

INCORPORATION, BOUNDARIES, CORPORATE AUTHORITY

SECTION 1. Incorporation. Be it enacted by the General Assembly of the State of Tennessee, that that section of Sumner County, Tennessee, comprised and included within the limits and boundaries set out in Section 2 hereof, and the inhabitants thereof, are hereby incorporated and constituted a body politic and corporate by the name and style of "City of Westmoreland," and shall have perpetual succession; that, by the corporate name may sue and be sued, contract and be contracted with, plead and be impleaded, grant, purchase, reserve, hold property, real, personal and mixed, within or beyond the corporate limits of the City; may sell, lease or dispose of such property for the benefit of the City and may do all other acts touching the same as natural persons, except those things herein forbidden; may have and use a corporate seal, changeable at the pleasure of the City Council.

SECTION 2. Corporate boundaries. Be it further enacted, that the boundaries and corporate limits of the City of Westmoreland shall embrace and encompass the territory within the following boundaries, to wit:

Beginning at a point between forks of Jackson Highway and branch to east Johns Station, about 2 yards from junction; thence North 30 1/2 degrees west 43 chains to a point where a new street from east meets Austin Peay Highway east of New Hope Church, said point north and east of junction; thence north 15 degrees 45 minutes East 37 chains to a point west side of Highway 31E about 40 yards North of gate to Earl Browns lot; thence North 60 1/2 degrees East 39.55 chains to a utility pole with transformer between homes of Wilburn Dorris and Chas. Jones; thence South 85 112 degrees East 34.60 chains to the Southwest comer of Tee Maggarts barn just east of Pleasant Grove Road; thence South 17 degrees East 59.35 chains to a utility pole at south east comer lot of Les McDole, just South of Street; thence South 8 112 degrees West 17.50 chains to a white oak on south side of Austin Peay Highway in lot of W. G. Caldwell near home of Garlan McDole; thence South 8 112 degrees West 19.35 chains to a tall

sassafras tree, two maples 20 feet to north an near corner wood lot of W. G. Caldwell; thence South 31 degrees West 28 chains to large oak in bend of road where a road to tunnel turns west from road leading south from school; thence North 53 degrees West 30.25 chains to a clump of trees south edge of road a short way east of tunnel; thence South 88 degrees West 29.70 chain to the beginning.

SECTION 3. Corporate authority vested in mayor, other officers. Be it further enacted, that the corporate authority of such city shall be vested in a mayor and a city council consisting of five (5) aldermen.

SECTION 4. Authority to supervise platting, etc., of city property. Be it further enacted, that the City Planning Commission shall have and exercise supervision of the platting, replatting, and subdividing of property within the corporate limits of said City of Westmoreland to the extent of controlling the layout and width of streets provided for in said plats or subdivisions, so that they may be made to conform to connecting streets and highways. The Register of Deeds of Sumner County, Tennessee, shall not register any map or plat or subdivision of any land subdivided into more than three lots or parcels, or designating any lands for street purposes lying within the corporate limits of the City of Westmoreland, unless such plat, map or subdivision shall be approved by the City Planning Commission. Any Register of Deeds found guilty of violating this Section shall pay a fine of not less than fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and the registration of any unapproved plat, map or subdivision shall have no legal effect.

## ARTICLE II

### CORPORATE POWERS

SECTION 1. Corporate powers enumerated. Be it further enacted, that such corporation shall have full power by ordinance within the corporate limits:

(1) To levy, assess, and collect taxes upon all property, and on all subject or objects of taxation, polls and privileges, within such limits, taxable by law for State purposes.

(2) To make special assessments for municipal improvements.

(3) To contract and be contracted with.

(4) To appropriate money and provide for the payment of the debts of the City and to borrow money.

(5) To expend the money of the City for all lawful purposes.

(6) To acquire, receive, and hold, maintain, improve, sell, lease, or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the City or State, except such as may hereinafter be prohibited.

(7) To condemn property, real or personal, or any easement, interest, estate or us therein, either within or without the City, for the present or future public use, such condemnation to be made and effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapter 16, or in such other manner as may be provided by general law.

(8) To acquire, construct, own, operate and maintain public utilities, or any estate or interest therein, or any other utility of service to the City, the inhabitants, or any part thereof, subject to conditions hereinafter provided.

(9) To grant to any person, firm, association or corporation, franchise for public utilities and public services to be furnished the City and the inhabitants thereof.

(10) To make contracts, subject to conditions hereinafter provided, with any persons, firm, association, or corporation, for public utilities and public service to be furnished the City and inhabitants thereof.

(11) To establish, open, relocate, vacate, close or abandon, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean, public streets, public highways, boulevards, parkways, sidewalks, alleys, parks, public grounds and squares, bridges, viaducts, subways, tunnels, sewers, privies, toilets and drains within the corporate limits and to regulate the use thereof within the corporate limits, and property may be taken and appropriated therefor under provisions of Tennessee Code Annotated, Sections 7-31-107 through 7-31-111 and 29-16-114, or in such other manner as may be provided by law.

(12) To provide for the construction and repair of sidewalks and curbs, and for the cleaning of same and all gutters and streets, at the expense of the owners of the ground fronting thereon; to provide for the removal of all encroachments into and upon any street, alley, or other property of the City, and for the removal of all obstructions from sidewalks, including snow, ice and earth, the cutting and removing of obnoxious weeds and rubbish, the cleaning and rendering sanitary, or the removal of closets and privies, pig pens, stables and slaughter houses at the expense of the owners of the property or the owner of the abutting property. The expense of all of the above shall be a debt against the owner or owners, and shall constitute a lien on the lot or lots of such owner or owners. Such lien and debt may be enforced and recovered by the City in the Chancery Court of Sumner County, Tennessee, and such Court is hereby given jurisdiction of such liens and debts regardless of the amounts involved. Also, to regulate and prevent the running at large and tying and fastening of cattle, hogs, horses, mules, stock and other animals of all kinds, and stationing, placing, or leaving of teams, wagons, or other vehicles on the street, or fast riding or driving on the streets.

(13) To acquire, purchase, provide for, construct, regulate and maintain, and to do all things relating to all marketplaces, public buildings, bridges, market houses, sewers and other structures, works and improvements.

(14) To collect and dispose of drainage, sewage, offal, ashes, garbage, and refuse, or to license and regulate such collection and disposal.

(15) To license and regulate all persons, firms, and corporations, companies and associations, engaged in any business, occupation, calling or profession or trade not forbidden by law.

(16) To impose a license tax upon any animal, vehicle, thing, business, vocation, pursuit, privilege, or calling not prohibited by law.

(17) To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business occupations, callings, trades, uses or property, and all other thing whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the City and to exercise general police powers and to make and enforce regulations to secure the general health of the citizens and to remove and prevent nuisances.

(18) To prescribe the limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people, may lawfully be established, conducted or maintained.

(19) To regulate the location, bulk, occupancy, area, lot, height, construction and materials, including plumbing and electrical wiring of all buildings and structures, and to inspect all buildings, lands, and places as to their condition for health, cleanliness and safety, and when necessary, prevent the use thereof and require any alterations or changes necessary to make them healthful, clean or safe.

(20) To provide, construct, and maintain, or donate to charitable, educational, recreative, curative, corrective, detention, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services. To comply with state Department of Health rules regarding isolation or quarantine of contagious or infectious diseases as required by general law.

(21) To impose fines, forfeitures, and penalties for the breach of any ordinance and to provide for their recovery and appropriation; to provide for the enforcement of ordinances of the city; to prescribe limits within which business occupations and practices liable to be nuisance or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained; fines, forfeitures and penalties imposed for the breach of ordinances of said city may be recovered before the city recorder.

(22) To enforce any ordinance, rule or regulation by means of fines, forfeitures and penalties, or by action or proceedings in any court of competent jurisdiction, or by any one (1) or more of such means and to impose costs as a part thereof but no fine, forfeiture or penalty shall exceed fifty dollars (\$50.

(23) To regulate, tax, license, require vaccination or suppress the keeping and running at large of animals within the City; to impound the same and in default of redemption, to sell or kill the same.

(24) To provide the City with water, natural gas and electricity, by water works, electric distribution systems, gas distribution systems, within or beyond the boundaries of the City.

(25) To erect, establish, open, close and remove bridges, sewers, gutters, hydrants or cisterns.

(26) To establish, support, and regulate a police department and to appoint a Chief of Police or police officers when it is necessary.

(27) To provide for the enclosing, improving, and regulating the public grounds and buildings belonging to the City within or without the corporate limits.

(28) To provide for the prevention and extinguishment of fires, to establish and equip a fire department or to purchase firefighting equipment and erect or purchase building for the housing of same; to restrain or prohibit the erection of wooden or combustible buildings in any part of the City; to regulate and prevent the carrying on of any business dangerous in causing or producing fires; to regulate the storage of all combustible inflammable or explosive materials, and the use of lights or fire in the City, or the cleaning, burning, and sweeping of chimneys or stove pipes, and to regulate or prevent the discharging, firing, shooting, or carrying of guns, pistols and fireworks in the City.

(29) Council shall have the power to designate from time to time a depository or depositories in which all the funds of the City shall be kept, and it shall be cause for removal from office of any City official, to refuse to deposit the funds in such official's hands in the depository or depositories so designated.

(30) The City of Westmoreland shall have the right of eminent domain for all municipal purposes named in this Charter and to that end shall have the right to condemn property, the proceedings of condemnation to be governed by Tennessee Code Annotated, Title 29 Chapter 16.

(31) To have and exercise all powers which now or hereafter it would be competent for this Charter specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein.

SECTION 2. Repeal of conflicting laws. Be it further enacted, that all laws and parts of laws in conflict with this Act, including, but not limited to, Chapter 356 of the Private Acts of 1939, and Chapter 247 of the Private Acts of 1941, be and the same are hereby repealed.



SECTION 3. City successor of trustees created by private act. Be it further enacted, that the City of Westmoreland, the municipal corporation created by this Act, shall succeed to all of the property, of every sort and description, owned, controlled, managed or held by the Trustees authorized and created by Chapter 356 of the Private Acts of 1939 and Chapter 247 of the Private Acts of 1941, and the title to same is hereby divested out of said Trustees and vested in the City of Westmoreland created by this Act.

SECTION 4. Enumeration of powers not exclusive. Be it further enacted, that the enumeration of particular powers in this Charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant powers in this charter, and whether powers, objects, or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the City to exercise freely anyone or more of such powers as to anyone or more of such objects for anyone or more of such purposes.

### ARTICLE III

#### CITY GOVERNMENT GENERALLY

SECTION 1. Mayor, City Council, and other officers. Be it further enacted, that the governing body of such municipality shall be composed of a mayor and a City Council, which shall consist of five (5) aldermen. The other officers of such municipality shall be a recorder, a treasurer, a city judge, and a city attorney.

SECTION 2. First officeholders listed; first election authorized. Be it further enacted, that from the date of the taking effect of this Act and until January 1, 1953, Virgil Williams shall be Mayor of said City; James Brown, Hilary Harrison, H. G. Kirby, Jr., D. B. Upton and Joe McKinney, shall be Aldermen, and their successors shall be elected at the election to be held for that purpose on the first Thursday of December, 1952, or at such time as the said corporation may by Ordinance determine: Joe Young Law shall be Recorder; Robert Hoskins shall be City Marshal; L. A. Fykes shall be City

Treasurer; and C. E. Maness shall be City Attorney; it being the intention of the Act to have said above named officers serve until the first day of January, 1953, but the right is hereby given to remove, discharge, or deal with any of said officers as may be done by the laws and Ordinances of the said City Council and nothing shall be construed to effect in any manner the right to do so as provided by said laws and Ordinances.

SECTION 3. Elections; procedures, qualifications of candidates. Be it further enacted, that the Election Commission of Sumner County, Tennessee, as provided by the general laws of the State of Tennessee, shall hold an election at the voting place in said City of Westmoreland on the first Tuesday following the first Monday, in November 2004, and on the same date of the regular November general election held every two (2) years thereafter for the purpose of electing a mayor and aldermen when the terms of such offices are expiring. The mayor and aldermen shall be elected by the qualified voters of the City for four-year terms of office, and the candidates receiving the highest number of votes shall be elected. When two (2) or more persons have an equal number of votes for any elective office, the election shall be determined by a majority of the votes of the council-elect. The present mayor and aldermen shall hold their respective offices until the expiration of the terms for which they were elected, and until their successors are elected and qualified. No person shall be elected mayor or alderman unless he or she is a bona fide resident and citizen of the City and has resided in the City for not less than one (1) year before his or her election.

SECTION 4. Certificates of election; installation into office. Be it further enacted, that the election commissioners shall deliver certificates of election to each of said persons so receiving the highest number of votes, and said certificates shall entitle the persons holding them to be inducted into office. Beginning with the election in 2016 and each election thereafter, the persons elected in accordance with Section 3 shall be installed into office on the first day of December following, unless the same shall fall on Sunday, and then on the first day thereafter, to serve four-year terms. The persons

elected shall, before assuming the duties of their respective offices, take an oath or affirmation before the Mayor in office, a Notary Public, or a state or county elected official for Sumner County, Tennessee, that they will support the Constitution of the United States and of the State of Tennessee and the Charter and Ordinances of the City, and to demean themselves in their official capacity faithfully, honestly, and with due regard to the welfare of the City, to the best of their ability.

SECTION 5. Election of certain officers. Be it further enacted, that the mayor and city council shall elect a city recorder, city treasurer, city attorney, and a city judge as soon as possible after the new council is sworn in if there is a need otherwise the officers will continue to serve. Persons appointed to any of the offices shall be required to devote as much of their time as shall be necessary to perform properly the duties of the office to which appointed. Their compensation will be set by the city council each year in the ordinance adopting the annual budget and capital program of the City. Officers appointed as specified herein shall serve at the pleasure of the city council, as shall all employees of the city.

SECTION 6. Elections; procedures, qualification of voters. Be it further enacted, that the City Council shall have the power to call, regulate and provide for all municipal elections, including all elections respecting bond issues; that all elections held under this Charter shall be held and supervised by the Election Commissioners of Sumner County, Tennessee, or such other person or persons as may be authorized to hold State and County elections. In any election under this Charter, all citizens who are registered to vote shall be entitled to vote. Anyone who owns real property assessed for taxes at One Hundred (\$100.00) Dollars, or more, within the corporate limits of the City, shall have the same right to vote as citizens who live within the corporate limits.

SECTION 7. Disqualification for city office. Be it further enacted, that no person

shall become mayor or alderman who shall have been convicted of malfeasance in office, bribery, or other corrupt practice or crime. If the mayor or any alderman should be convicted of any such offense, that officer shall forfeit office.

SECTION 8. Salary of mayor and aldermen. Be it further enacted, that beginning January, 1, 2011, the salary of the mayor shall be seven thousand, two hundred dollars (\$7,200) per year and the salary of each alderman shall be one thousand, two hundred dollars (\$1,200) per year, said salaries to be paid in equal monthly installments. The compensation of the mayor and aldermen shall be established in the ordinance adopting the annual budget and capital program of the City. The salary of the mayor or aldermen shall not be changed during their terms of office. In addition, the mayor and aldermen may be reimbursed for actual and necessary expenses incurred in the performance of their official duties, provided that such expenses are approved by the city council at one of its regular meetings.

SECTION 9. Legislative power vested in city council. Be it further enacted, that the legislative and other powers, except as otherwise provided by this Charter, are hereby delegated to and vested in the City Council and the City Council may, by Ordinance or Resolution, not inconsistent with this Charter, prescribe the manner in which all powers of the City may be exercised, provide all means necessary or proper therefor, and do all things needful within or without the City in order to protect the rights of the City.

The said City Council shall exercise its powers in sessions duly assembled and no member or group of members shall exercise or attempt to exercise the powers conferred upon the City Council except through proceedings adopted at some regular or special session.

SECTION 10. City council meetings. Be it further enacted, that the City Council shall, by Ordinance, fix the time and place at which regular meetings of said City Council shall be held. Said meetings shall be at least once each month. Whenever, in the

opinion of the Mayor, or of any two Aldermen, the welfare of the City demands it, the Mayor or the Recorder shall call a special meeting of the City Council upon written notice to each Alderman, the Recorder, and the City Attorney; such notice to be served by the Chief of Police, or his designee, or left at the usual place of residence of such officer to whom said notice is directed. Each call for a special meeting shall set forth the character of the business to be transacted at such meeting and no other business shall be considered at such meeting.

SECTION 11. Mayor to preside. The mayor shall preside at all meetings of the city council and shall vote only in the event of a tie vote, except in the appointment of city officers or department heads when the mayor shall have a vote just as the members of the City Council.

SECTION 12. Vacancies in City Council. Be it further enacted, that when any vacancy in the city council for the office of alderman shall occur, such council, as then composed, shall elect a person qualified to fill the vacancy until the next regular election. Any Alderman appointed pursuant to this section shall serve for the unexpired term, but any portion of an unexpired term that remains beyond the next municipal election shall be filled by voters at that election, if the vacancy occurs at least twenty (20) days before the latest time for filing nominating petitions for candidate in that election. At the next regular election that person receiving the highest vote count after all offices for election to a four-year term have been determined, shall be elected to fill out the vacancy at that election, if the vacancy occurs at least twenty (20) days before the latest time for filing nomination petitions for candidates in that election. Should the mayor or any alderman cease to be a bona fide resident of the city at any time during his term of office, his office shall thereupon become vacant.

SECTION 13. Vice Mayor. Be it further enacted, that at the first meeting of the city council (after each regular biennial city election) when newly elected members are installed the aldermen shall choose from their membership a vice mayor, to act in the

absence, inability, or failure upon the part of the mayor to act. Such member shall act as mayor during any temporary absence or inability of the mayor to act, and whenever a vacancy occurs in the office of mayor the vice mayor shall become mayor for the unexpired term of the mayor, provided that any portion of the unexpired term beyond the next regular biennial city election shall be filled by the voters at that election if such vacancy occurs at least twenty (20) days before the latest time for filing nominating petitions for candidates in that election. Upon assuming the duties as mayor, the vice mayor's office as alderman shall thereupon become vacant, and the vacancy shall be filled by the city council as herein provided.

SECTION 14. Quorum. Be it further enacted, that a majority of the members of the City Council shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of absentees in such manner and under such penalty as the City Council may provide.

SECTION 15. Investigative and punitive powers of council. Be it further enacted, that the City Council may determine the rules of their proceedings, subject to this Charter, and may arrest and punish by fine, any member or other person guilty of misbehavior in its presence. It shall have power and may delegate this power to any Committee, to subpoena witnesses and order the production of books and papers relating to any subject within its jurisdiction; to call upon the officers of the City to execute its process and may cause to be arrested and punished by fine any person refusing to obey such subpoena or order. No fine for any offense under this Section shall exceed Fifty (\$50.00) Dollars.

SECTION 16. Administering of oaths and keeping minutes. Be it further enacted, that the presiding officer of the City Council, or the Chairman of any Committee, may administer oaths to witnesses. The City Council shall keep minutes of its proceedings to be recorded in a well bound book suitable for that purpose. In the

event that the Recorder should fail, for any reason, to attend any session of the City Council, then the Recorder's designee shall record the minutes for all such meetings.

SECTION 17. Council sessions to be public. Be it further enacted, that all sessions of the City Council shall be public.

SECTION 18. Removal of city officers. Be it further that the mayor or any alderman may be removed from office as prescribed in Tennessee Code Annotated, Title 8, Chapter 47.

SECTION 19. Adoption of ordinances and resolutions; other actions. Be it further enacted, that the affirmative vote of a majority of the members of the City Council shall be necessary to adopt any Ordinances or Resolutions of the City. Each Ordinance or Resolution passed by the City Council shall be filed by the presiding officer and the record shall be filed with the Recorder. All actions by the City Council, except for obtaining a quorum, shall be by a majority vote of the City Council.

SECTION 20. Oath of officers. Be it further enacted, that the officers of the City, before entering upon their duties, shall take an oath or affirmation before the Recorder that they will support the Constitution of the United States and of the State of Tennessee, and the Charter and Ordinances of the City, and they will fully discharge the duties of their offices to the best of their ability.

#### ARTICLE IV

##### ORDINANCES AND RESOLUTIONS

SECTION 1. Required wording. Be it further enacted, that all Ordinances shall begin, "Be it Ordained by the City of Westmoreland."

SECTION 2. Readings required, effective dates for Ordinances and Resolutions. Be it further enacted, that every Ordinance shall be passed on two readings on two separate days in open sessions of the City Council before it shall become effective, and all Ordinances shall take effect from and after their final passage, unless otherwise provided therein; provided, that Resolutions may be passed and become effective on

only one reading. All Ordinances and Resolutions shall be signed by the Mayor and Recorder.

SECTION 3. Numbering of ordinances. Be it further enacted, that every Ordinance, when filed with the Recorder, shall immediately be numbered and copied in an Ordinance book and preserved in the Recorder's office.

SECTION 4. Construction of ordinances; service of process. Ordinances of the city imposing fines, penalties and forfeitures shall be construed remedially and all process issued by the mayor, recorder or other officers of the city may be directed to the chief of police of said city, who shall execute and return same as any other process in the manner prescribed by general law and may be amended from time to time to promote the attainment of justice.

## ARTICLE V

### MAYOR

SECTION 1. Duties of Mayor. Be it further enacted, that the mayor shall preside at all meetings of the city council and shall perform such other duties consistent with his office as may be imposed by the City Council, and he shall have a seat, a voice, but no vote, except for the purpose of breaking a tie, and in the appointment of the officers of the city, when he shall vote as the members of the City Council.

(a) The mayor:

(1) Shall be the chief executive officer of the city and shall preside at all meetings of the City Council;

(2) Shall communicate any information needed, and recommend all measures the mayor deems expedient to the board;

(3) Shall make temporary appointments, subject to the confirmation of the city council, of any officer, department head or employee in case of sickness, absence or other temporary disability; and



(4) Shall attend and participate in all state, regional, county, and municipal meetings designed to assist cities, including the City of Westmoreland, Tennessee, to the extent reasonably possible.

(5) Shall sign all checks or orders drawn on the treasurer, and shall sign the minutes of the city council and all ordinances and resolutions upon their final passage and shall execute all deeds, bonds, and contracts made in the name of the city, and his signature shall be attested by the recorder. The mayor may introduce ordinances and resolutions in the city council.

(b) Unless otherwise designated by the City Council, the mayor shall perform the following duties or may designate a department head or department heads to perform any of the following duties:

(1) Employ, promote, discipline, suspend, and discharge all employees other than department heads in accordance with personnel policies and procedures adopted by the City Council;

(2) Recommend to the City Council the appointment of department heads, with said department heads to report directly to the Mayor; any disciplinary actions of department heads by the Mayor may be appealed to the City Council;

(3) Shall act as purchasing agent for the city in the purchase of a materials, supplies, and equipment for the proper conduct of the city business; all purchases shall be in accordance with policies, practices and procedures established by the city council and State law.

(4) Shall prepare and submit the annual budget and capital program to the City Council for their adoption by ordinance; and

(5) Perform such other duties as designated or required by the City Council.

SECTION 2. Mayor to perform required acts, appoint committees, administer oaths. Be it further enacted, that the Mayor shall have power and it is hereby made his duty to perform all acts that may be required of him by any Ordinance or Resolution duly enacted by the City Council not in conflict with any of the provisions of this Charter. He shall have the power to appoint all standing Committees provided for by the Council and such special Committees as he may deem proper. The Mayor shall have authority to administer oaths and affirmations and to take depositions in the same way and for the same purposes and for the same fees and under the same laws as Justices of the Peace.

SECTION 3. Legal process. Be it further enacted, that all legal process against the City shall be served upon the Mayor or the Recorder and it shall be their duties to forthwith transmit the process to the City Attorney after writing thereon the date and manner of service.

SECTION 4. Mayor's veto. Be it further enacted, that the mayor shall have the right to veto within seven (7) calendar days, any ordinance or resolution passed by the city council; he shall enter his reasons for such veto on the minutes of the proceedings. The veto of the Mayor shall render null and void any Ordinance or Resolution unless the City Council by a two-thirds majority vote, re-enacts or re-passes such Ordinance or Resolution which has been vetoed, at the next regular meeting of the City Council, except that when a new Council may be inaugurated within the meantime, and in that event the Ordinance or Resolution shall be void and of no effect.

## ARTICLE VI

### CITY OFFICIALS

SECTION 1. City Council to provide for salaries, duties, rights of officials. The City Council shall fix the salaries of all members thereof, but not to exceed the limits fixed in this act and shall fix the salaries of all city officers and employees of the city.

The city council shall fix the duties of all officers and employees of the city, and may define the duties of all the officers not inconsistent with provisions of this charter.

SECTION 2. Recorder--eligibility, removal and duties. No person shall be eligible for the office of City Recorder who holds any other public office. The recorder shall be under the authority of the city council is to obey and carry out all reasonable orders, rules and regulations of the city council. If the recorder refuses or willfully neglects to carry out or comply with any reasonable order, rule or regulation of the city council, they shall be removed from office. If for any reason the recorder becomes unable to carry out the duties the office in a businesslike and efficient manner, they shall forfeit the office and be removed by the city council as herein provided.

SECTION 3. Recorder to be financial officer; bond required. Be it further enacted, that the recorder shall have charge of the financial affairs of the city, including the efficient keeping and supervising of all accounts and books of the city, including the books of the water and sewer departments; the supervision and disbursement of funds and money and the collection of all money due the city and shall sign all checks or orders on the treasurer; they shall require proper fiscal accounts, records and reports to be made to the office by the several departments, officers and employees of the city; they shall at least monthly, and more often if deemed advisable, require settlements from the officers and employees charged with the collection of any revenue of the city; they shall approve for payment all bills and accounts against the city and perform such other duties as the city council may by ordinance require. The recorder shall, before entering upon his duties, enter into a bond to be approved by the city council payable to the City of Westmoreland, and its successors, in a sum to be fixed by the city council, which shall not be less than seventy-five thousand dollars (\$75,000.00) condition for the faithful performance of their duties, and for regular monthly settlements with the Treasurer, and to faithfully account for and pay over all monies collected or that shall come into the office.

SECTION 4. Salary and miscellaneous duties of recorder. The recorder shall keep the records of the city council and perform such other duties as may be required by the council. The recorder shall receive a salary to be fixed by the city council and give bond as hereinabove provided. The recorder shall attest all instruments filed in the name of the city and all official acts of the mayor. The recorder shall have authority to administer oaths and affirmations and to take depositions, shall have power to accept service of process, shall be present at all meetings of the city council, and shall keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form. The recorder shall have custody of and preserve in the office the seal of the city, the public records, original rules and ordinances, ordinance books and minute books of the city council, all contracts, bonds, title deeds, certificates and papers of official indemnity, or security bonds (except the recorders own bond, which shall be kept in the custody of the mayor) and all other records, bonds, oaths and affirmations, papers and documents not required by this charter or by ordinance to be deposited elsewhere; when requested by any officer or person, certify copies of records, papers and documents in the office and charge therefor for the use of the city, such fees as may be provided by ordinance, and have copies of ordinances printed as may be directed by the city council. The recorder shall be the general accountant of the city, shall have custody of all records, papers and vouchers relating to the fiscal affairs of the city, and the records in the recorder's office shall show the financial operation and conditions of the property, assets, claims and liabilities of the city, all expenditures authorized, and all contracts in which the city is interested. A yearly report showing in full detail the financial condition of the city shall be published in pamphlet form in the number required by the city council for distribution. An efficient system of accounting is to be installed and maintained.

SECTION 5. City court.

(a) The city council shall have the authority to create the office of city judge, if it sees fit, and to vest in such officer the judicial duties set forth herein.

(b) The city judge shall preside over the city court and shall have jurisdiction in and over all cases for the violation of, and offenses against, and in all cases under the laws and ordinances of the City of Westmoreland and such other jurisdiction as is conferred by the general laws of the state. Any person dissatisfied with the judgment of the city court shall have the right to appeal such judgment in accordance with Tennessee Code Annotated, Section 16-18-307.

(c) The city clerk shall keep or cause to be kept the city court docket or dockets embodying complete detailed records of all cases tried and determined in court.

(d) The city judge shall have the power to issue civil process, including a summon or subpoena for violations of city ordinances.

SECTION 6. Punitive powers of judge. The judge shall have power and authority to impose fines, costs, and forfeitures, to punish by fine all violations of the city ordinances; to preserve and enforce order in court and to enforce the collection of such fines, costs and forfeitures imposed by him in accordance with Tennessee Code Annotated, Title 16, Chapter 8, Part 3. No fine authorized pursuant to this section shall exceed fifty dollars (\$50.00).

SECTION 7. Fines belong to city. All fines imposed for the violation of the city ordinances shall belong to the city and shall be collected by the city clerks, to be reported by him in his monthly reports and paid over to the recorder.

SECTION 8. Qualifications and duties of city attorney. The city attorney shall direct the management of all litigation in which the city is a party, including the function of prosecuting attorney in the city court when it is necessary. The City Attorney shall represent the city in all legal matters and proceedings in which the city is a party or is interested; shall attend meetings of the city council; and shall advise the mayor, the

council members, and department heads as to all legal questions affecting the city's interest.

## ARTICLE VII

### TAXATION, UTILITIES, ETC.

SECTION 1. Recorder to collect taxes; assessment of taxes. The collection of all taxes, including privilege taxes and special assessments, shall be in charge of the recorder, subject to the limitations of this chapter. For collecting privilege taxes due the city, the recorder shall have the same right and power to issue distress warrants as collectors of privilege taxes for state and county purposes, which warrants shall be directed to the chief of police. All property, real, personal, and mixed, subject to state, county and city taxes, and all privileges taxable by law shall be taxed and the taxes thereon collected by the city for municipal purposes as provided by general law in accordance with Article II, Section 29 of the Tennessee Constitution. Pursuant to the general law, it shall be the duty of the County Assessor of property to prepare a separate assessment book or roll showing the real, personal and mixed property assessable by the assessor or lying within the limits of the City of Westmoreland, or to allow the recorder access to the assessor's records for the purpose of preparing same. The city council may provide compensation to said county tax assessor for furnishing the same. These records shall be certified to the recorder of the city upon the completion of the work of the state board of equalization and after they have been copied by the county court clerk of the county or the comptroller of the state. The city council shall have full power to assess taxes as of the date prescribed by general law each and every year, and shall also have full power to assess privileges.

SECTION 2. Tax rates. Be it further enacted, that for the purpose of municipal taxation, all property lying within the limits of said City shall be assessed by the Recorder as established by State law.

SECTION 3. Certification of amount of valuation, revenue from taxes, etc. tax levy. Be it further enacted, that it shall be the duty of the Recorder as soon as the assessment roll for the City is complete to submit to the City Council a certified statement of the total amount of valuation or assessment of the taxable property for the year within the City limits, including assessments of all railroad, telephone, telegraph and other public utility property, together with a certified statement of the revenue derived by the City from privilege taxes, merchants' ad valorem taxes and fines for the preceding fiscal year and miscellaneous revenue, including the amounts in the Treasury of the City. Upon the presentation of such statement by said officer, the City Council shall proceed by Ordinance to make the proper levy to meet the expenses of the City for the current fiscal year.

SECTION 4. Recorder to extend levy upon tax books. Be it further enacted, that it shall be the duty of the Recorder, immediately after the levy of the taxes by the City Council, to cause said levy to be extended upon the tax books in the same manner as extensions are made upon the tax books in the hands of the County Trustee, but according to the distribution of taxes by the City, and same shall be placed in the hands of the Recorder for collection.

SECTION 5. Back assessments; time for payment; penalties. Be it further enacted, that the Recorder may back-assess property for three years by giving written notice to the parties interested, or to administrators, or executors of deceased persons, said notices to be signed by the Mayor. The rate of taxation fixed by the City Council shall not be in excess of the limits fixed by this Charter, but this is not to include any special levy, which is now or may hereafter be allowed by said City for special purposes. The City Council may, by Ordinance, fix the time for the payment of taxes, from which time they shall bear interest and may require privilege taxes to be paid in advance; they may, by Ordinance, prescribe a penalty for the non-payment of taxes, which penalty

shall be paid by each delinquent, and these penalties shall go into the general fund of the City.

SECTION 6. List of taxable property. The list of taxable property in the hands of the recorder shall be maintained in accordance with State law, and the taxes due shall be collected in accordance with State law.

SECTION 7. Special assessments suits authorized. Be it further enacted, that the City Council shall have the power and is hereby given authority to file bills in the Chancery Court in the name of the City for the collection of assessments and levies made for the improvements, or services in said City, such as providing for sidewalks, curbs, guttering and other improvements for which assessments may be made under this Charter, or any other Acts of the Legislature, and the costs shall be levied against the owners of the property abutting said improvements and a plan on abutting property. The suit commenced by said bills to be conducted as other suits for the enforcement of like liens and under the rules of law and practice providing for the same, and it is further provided that the bill shall not be objectionable because the owners of different parcels of land are made parties, it being the intention that all persons in the same improvement districts are liable for portions of the same assessment and levy for improving a portion of the City as aforesaid and on whose property said assessment or levy is a lien, shall be made parties defendant to one bill.

SECTION 8. Charter declared a public law. Be it further enacted, that this Charter is hereby declared to be a public law and may be read as evidence in all Courts without proof or special pleadings.

SECTION 9. Construction, purchase, etc., of utilities authorized. Be it further enacted, that the City Council be authorized to construct, purchase, own and operate an electric power distribution system, water plant, natural gas distribution system, or all three, for the purpose of furnishing electricity, water and natural gas, or all of them, to public buildings, streets, and all other public places and all other uses within the



corporate limits of the City and for the sale of electric power, water and natural gas to all persons, firms, and corporations desiring to purchase the same, either within or beyond the corporate limits of the City, for lighting, heating or power, or for any other purpose whatsoever, and it shall not be required that the City shall generate electric power, but the City may purchase such electric power and distribute the same.

SECTION 10. Severability clause. Be it further enacted, that if any one or more of the Sections or Sub-sections, or parts thereof, or any sentence, or clause, or phrase of this Act should for any reason be proven or held to be invalid or unconstitutional, such decision or holding shall not affect the validity or constitutionality, nor invalidate or impair the validity, force or effect of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each Section, sentence, clause and phrase irrespective of the fact that anyone or more Sections, Sub-sections, sentences, clauses and phrases be declared unconstitutional.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Westmoreland. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.